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REMARKS

Claims 5, 9-11, 16 and 17 have been amended, and claims 6 and 15 canceled. Claims 1-5, 7-14, and 16-20 are pending in the application for consideration on the merits. Favorable consideration of this application as amended is requested.

Restriction Election:

Claim 15, the only claim still drawn to non-elected invention II, has been canceled. In view of the examiner's earlier restriction requirement, applicant retains the right to present claim 15 in a divisional application.

Claims 16-20 have not been withdrawn or canceled for the following reasons. In the preliminary amendment that accompanied the restriction election, new claim 20 was added and depends from a claim in the group of invention I, and amendments were made to so that claims 16-19 also ultimately depend from claims in the group of invention I. Therefore all of group I (claims 1-5, 7-14 and 16-20) should have been considered on their merits in the present office action.

Claim Objections:

Claims 5 and 11 stand objected to because of an informality. Claims 5 and 11 have been amended with the helpful suggestions of the examiner.

Claim Rejections Under 35 U.S.C. § 102:

Claims 1-4, 7-10, and 12-14 stand rejected under 35 USC 102(b) as being anticipated by Roof et al. (5,101,540), hereafter referred to as the '540 patent. Applicant respectfully traverses the rejections. In order to anticipate a claim under 35 U.S.C. 102(b), each and every element of the claim must be disclosed in the prior art reference.

Claim 1 is directed to a "device for releasably fastening a first component to a second component, comprising: a device body; a first fastener extending from said device body and operable to attach said device body to the first component; a second fastener extending from said device body and adapted to attach said device to the

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second component, whereby when a force of greater than a predetermined amount is applied to the second component, said first fastener detaches from the first component without damaging the first component." For claim 1, then, the first fastener is configured such that, when a force greater than a predetermined amount is applied to the second component, the first fastener will detach from the first component without damaging it.

Applicant respectfully disagrees with the examiner's assertion as to the disclosures of the '540 patent. With regard to the '540 reference, it does not teach or suggest anything regarding the release of one of the components due to a force being applied to the other component.

The '540 patent discloses mounting clips (18, 20) that secure a lamp housing (22) of a center high mount stop light (14) to a sheet metal support panel (16) next to the rear window (backlite) (12) of a vehicle (10). Each clip (18, 20) has a reversely bent spring arm (40) with a tang (44) for engaging with a raised ramp member (36) on a flange (32) of the housing (22). Also, each clip (18, 20) has laterally spaced outwardly extending feet (48, 50) for engaging under a retainer slot (30) in the support panel (16) and a tongue (56) extending downwardly from an elongated body portion (38) for engaging with ratchet teeth (64) on the support panel (16). The support panel (16) appears to be located adjacent to and may actually be a part of a rear package shelf in the vehicle.

As far as removing the stop light (14) after installation (i.e., the release of the stop light (14) from the support panel (16)), the '540 patent states, "[i]f for some reason it is desired to remove the stop light 14 from the support panel 16, this can be easily done by merely inserting a tool, such as a screw driver, into the opening 58 formed in the body portion 38 of each mounting clip and moving it upwardly to release the tongue 56 from engagement with the aforementioned ratchet teeth 64 and simultaneously moving the stop light 14 away from the backlite 12 until the feet 48 and 50 of the hold-down portion are located in the access portion of slot 30 whereupon the lamp housing 22 can be raised and removed from the support panel." Accordingly, the '540 patent only teaches releasing of clip when prying on the clip with tool — nothing at all about the releasing of one component when a force is applied to the other component.

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The advantage of the present invention, which is missing from the '540 patent, is especially apparent when one component is a bumper facia and the other is a headlamp or tail lamp. An impact on the vehicle bumper adjacent to the bumper facia may induce a force in the facia. Above a predetermined force level, then, the device — which connects the facia to the lamp assembly — will release from the lamp assembly, thus avoiding damage to the lamp assembly. The '540 patent, being directed to a center high mount stop light that is mounted next to the vehicle backlite, is not near a bumper, let alone a bumper facia. So a relatively small impact load to the vehicle, and in particular to a bumper, will not induce any load that might damage the high mount stop light assembly or the support panel to which it mounts.

Consequently, with at least this limitation of claim 1 missing from the '540 patent, there cannot be anticipation of this claim under 35 U.S.C. 102(b). Claims 2-4 and 12-14 ultimately depend from claim 1 and so are allowable over the art for at least the same reasons as claim 1. Moreover, each dependent claim adds limitations that may further distinguish them from the '540 patent. For example, contrary to the examiner's contention, the configuration of the mounting clips (18, 20) in the '540 patent does not read on the limitations relating to the device as recited in claims 2-4. The reading of the mounting clips of the '540 patent onto the device of the present invention (as stated in the office action) does not define channels between the recited elements, as stated in these dependent claims. Also, as discussed above, the '540 patent is directed to a high mount stop light, so it does not read on a first component being a headlamp or tail lamp assembly or the second component being a bumper facia, as is recited in claims 12-14, respectively.

Independent claim 7 includes a limitation similar to the limitation in claim 1 that distinguishes over the '540 patent. Accordingly, this limitation is also missing from claim 7 and so there cannot be anticipation of this claim under 35 U.S.C. 102(b).

Claims 8-10 ultimately depend from claim 7 and so are allowable over the art for at least the same reasons as claim 7. Moreover, each dependent claim adds limitations that may further distinguish them from the '540 patent. For example, the configuration of the mounting clips (18, 20) in the '540 patent does not read on the limitations relating to the device as recited in claims 8-10, as discussed above relative to claims 2-4.

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Claim Rejections Under 35 U.S.C. § 103:

Claim 5 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Roof et al. as applied to claims 1-4, 7-10, and 12-14 above, and further in view of Schneider et al. (5,363,537).

Claim 5 depends from claim 1 and claim 11 depends from claim 7, as so both are distinguishable over the '540 patent for at least the same reasons discussed above relative to claims 1 and 7. Moreover, the '537 patent is only cited as disclosing particular materials that may be used to form a clip (as it is directed to a retaining clip for a window weather seal) and so does not overcome the deficiencies of the '540 patent.

Consequently, the combination of the '540 and '537 patents does not render claims 5 or 11 unpatentable under 35 U.S.C. 103(a).

Subject Matter Not Rejected:

Claims 16-20 (which were not withdrawn from consideration on the merits) stand without any objections or rejections, and so are considered to be in condition for allowance. Moreover, claims 16-20 ultimately depend from independent claim 7 and so are allowable over the cited art for at least the reasons stated above relative to claim 7.

Claims 16 and 17 have been amended merely to correct minor editorial issues.

Consequently, applicant respectfully requests that the rejections and objections be withdrawn.

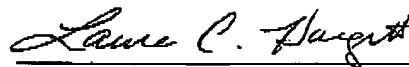
Conclusion:

In summary, the applicant believes that each formal and substantive requirement has now been met. The application is now believed to be in appropriate condition for allowance, which action is respectfully requested.

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No fees are believed to be due at this time, but if this assumption is in error, please charge any fees due to GM Deposit Account #07-0960.

Respectfully submitted,



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